IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3158 OF 2005

N.C. Dalal & Company ... Petitioner

V/s.

Himatlal C. Tunara & Anr. ... Respondents

Mr.Soli Cooper i/b L.S. Krishnamurthy for Petitioner
Mr.Girish Desai for Respondent No.1
Mr.P.S. Dani for Respondent No.2

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 16, 2005**

P.C.:

. This petition challenges the order of the trial Court allowing the application made by Respondent No.2 to add him as a party to the suit. Respondent No.2 claims to be the tenant of the premises as he has inherited the same from his father, the original partner of the firm N.C. Dalal & Co. The applicant's father Chimanlal Shah was running the firm till his death in 1977. The trial Court has found that the respondent No.2 is not a necessary party since there is a dispute between the tenant of the suit premises, the licensor of the cabin space let out to the Respondent No.1. The trial Court has considered the documents on record as well as the pleadings and has arrived at the conclusion

that Respondent No.2 would be a necessary party for effective disposal of the suit. I see no reason to differ from this finding. The judgment cited at the bar by the Petitioner in the case of *Jivanlal Damodardas Wani v/s. Narayan Ukha Sali*, **AIR 1972 BOMBAY 148** does not take the Petitioner's case any further. There can be no doubt that Respondent No.2 is a necessary party, especially since Respondent No.1 claims that he has surrendered the tenancy to Respondent No.2. Petition rejected.

2. Petitioner seeks stay of this order for a period of six weeks. Stay granted accordingly.